

AMENDMENT UNDER 37 CFR § 1.116
Serial No. 09/725,921

REMARKS

A total of 68 claims remain in the present application. The foregoing amendments are presented in response to the Advisory Action mailed August 23, 2005, wherefore reconsideration of this application is requested.

Pursuant to paragraph 3 of the Advisory Action, Applicant's amendments filed July 25, 2005 have not been entered.

By way of the above-noted amendments, independent claims 1 and 25 have been amended to incorporate the subject matter of claims 5 and 29, respectively, which have been cancelled to avoid redundancy. Claim 1 has been further amended to define that the step of "invoking the functionality using the encapsulated transaction message functional content" is performed at the second network node, which is consistent with the corresponding system claim 25.

In preparing the above-noted amendments, careful attention was paid to ensure that no new subject matter has been introduced. Furthermore, since all of the revisions effected in claims 1 and 25 are fully supported by the subject matter of originally filed claims, no new issues require further search and examination have been raised.

Referring now to the text of the Final Action:

- claims 5-7, 25, 29-31 and 49 stand objected to;
- claims 1-4 and 25-28 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of United States Patent No. 6,574,201 (Kreppel) in view of United States Patent No. 6,608,832 (Forslow);
- claims 10-11, 14, 20, 34 - 35 and 38 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the teaching of United States Patent No. 6,574,201 (Kreppel) in view of United States Patent No. 6,608,832 (Forslow), and further in view of United States Patent No. 6,363,424 (Douglas et al);
- claims 5-9, 12-13, 15-19, 21-24, 29-33, 36-37 and 39-48 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten

AMENDMENT UNDER 37 CFR § 1.116
Serial No. 09/725,921

in independent form including all of the limitations of the base claim and any intervening claims; and

- claims 49-52 and 54 -71 are allowed.

As an initial matter, Applicant appreciates the Examiner's allowance of claims 49-52 and 54 -71 and indication of allowable subject matter in claims 5-9, 12-13, 15-19, 21-24, 29-33, 36-37 and 39-48. The Examiner's objections to claims 5-7, 25, 29-31 and 49, and rejection of claims 1-4, 10-11, 14, 20, 25-28, 34-35 and 38 under 35 U.S.C. §103(a) are believed to be traversed by the above-noted claim amendments, and further in view of the following discussion.

Claim Objections

The Examiner has repeated his objection to claims 5-7, 25, 29-31 and 49 on the ground that these claims contain the phrase "adapted to".

As argued in some detail in Applicant's previous response dated December 23, 2004, *In re Hutchison*, 69 USPQ 138 does not provide any *per se* rule prohibiting the term "adapted to" in the claims. Applicant's use of this term in claims 5-7, 25, 29-31, 49 and 54 is believed to be proper, and is entirely permissible in view of *In re Hutchison*, 69 USPQ 138. Accordingly, Applicant has respectfully retained the term "adapted to" in the claims.

Claim Rejections Under 35 U.S.C. §103(a)

The Examiner's claim rejections are believed to be fully traversed by way of the above-noted amendments in claims 1 and 25. In particular, claims 1 and 25 have been amended to incorporate the subject matter of claims 5 and 29. Since both of claims 5 and 25 have been indicated as allowable, amended claim 1 and its dependencies, and amended claim 25 and its dependencies, are believed to be allowable.

In light of the foregoing, it is believed that the present application is in condition for allowance, and early action in that respect is courteously solicited.

If any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this response, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an

AMENDMENT UNDER 37 CFR § 1.116
Serial No. 09/725,921

extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account
No. 19-5113.

Respectfully submitted,



By: Kent Daniels, P.Eng.
Reg. No. 44206
Attorney for the Applicants

Date: November 25, 2005

Ogilvy Renault LLP
Suite 1600
1981 McGill College Avenue
Montreal, Quebec
Canada, H3A 2Y3
(613) 780-8673